

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

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LINDA SINGLETON,

Plaintiff,

v.

BUSH INVESTMENTS, INC. and  
BUSH'S GROCERY AND DELI,

Defendants.

CIVIL ACTION NO.: 2:07cv718-MHT

**JURY TRIAL DEMANDED**

**COMPLAINT**

**COMES NOW** the Plaintiff, Linda Singleton, by and through counsel, and hereby complains against Defendants as follows:

**JURISDICTION**

1. Jurisdiction in this Court is proper pursuant to federal question jurisdiction over claims brought under 29 U.S.C. § 216(b) for damages suffered as a result of Defendants' violations of the Fair Labor Standards Act (hereinafter, "FLSA"). This Court attains jurisdiction of this action pursuant to 28 U.S.C. § 1331.
2. All causes of action enumerated herein and all claims made by Plaintiff arose in the Middle District of Alabama and venue is proper herein under 28 U.S.C. § 1391.

**PARTIES**

3. Plaintiff Linda Singleton (hereinafter, "Singleton") is a resident of Elmore County, Alabama, over the age of Nineteen (19) years, and was employed by Defendants at all

times material hereto.

4. Defendant, Bush Investments, Inc., is a corporation licensed to do business within the state of Alabama.
5. Defendant, Bush's Grocery and Deli, is licensed to do business within the state of Alabama.

#### **NATURE OF THIS ACTION**

6. This is a proceeding for a declaratory judgment as to Singleton's rights. Further, this Complaint seeks restitution to Singleton of all rights, privileges, benefits and income that Singleton would have been received but for Defendants' unlawful practices. Further, Singleton seeks compensatory and punitive damages for her suffering as a consequence of the wrongs alleged herein.
7. As a proximate result of the illegal actions alleged above, Singleton has been damaged in that she has been deprived of pay and benefits, as well as caused to suffer great humiliation and mental anguish.
8. This action is brought to claim compensatory and punitive damages of the defendants.

#### **FACTUAL ALLEGATIONS**

9. Singleton expressly adopts, as if fully set forth herein, the allegations of each of the foregoing paragraphs.
10. Singleton was at all times material hereto an employee of Defendants at Bush's Grocery and Deli, located at 80991 Tallassee Hwy, in Eclectic, Alabama, and was under the supervision of Dorothy Bush.
11. From on or about June 26, 2006 until June 2007, Plaintiff was employed by Defendants

as a cook.

12. On or about June 2006 until about February 2007, Singleton worked forty (40) regular-time and twenty-six (26) over-time hours each week.
13. On or about February 2007 until about May 2007, Singleton worked forty (40) regular-time and twenty-one (21) over-time hours each week.
14. On or about June 2007 until about June 30, 2007, Singleton worked forty (40) regular-time and ten (10) over-time hours each week.
15. Defendants failed to pay Singleton the minimum hourly wage as required by the FLSA for the extra hours worked as described in paragraphs 12, 13 and 14.
16. In the alternative, Defendants failed to pay Singleton regular-time and/or over-time for the extra hours worked as described in paragraphs 12, 13 and 14.
17. Singleton was directed by Dorothy Bush, who is the Secretary of Defendant Bush Investments, LLC and also manager of Defendant Bush's Grocery and Deli, to work these additional hours.
18. Singleton resigned on or about the 25th of June 2007.
19. Defendants have refused to compensate Singleton for the final week she worked for Defendants.
20. Singleton has been damaged by the actions of Defendants in that she was not compensated for the extra work performed between June 2006 and June 2007. Moreover, Singleton has been made to suffer mental anguish, emotional distress, humiliation, and embarrassment.

**VIOLATION OF FAIR LABOR STANDARDS ACT**

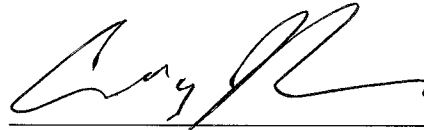
21. Singleton expressly, adopts as if fully set forth herein, the allegations of each of the foregoing paragraphs.
22. Singleton was an employee of Defendants from June, 2006 until June 2007 and during all times material hereto.
23. During the said period, Singleton was employed at a rate of \$6.00 per hour.
24. Defendants failed to pay wages due and/or overtime pay as required by law to Singleton for the 1,307 extra hours she worked.
25. Defendants failed to pay wages due and/or overtime pay as required by law to Singleton for the final week she worked.
26. Singleton occupied a position of employment in Defendants' business for which she was qualified.
27. Had Singleton been paid for the extra hours that she worked, she would have received additional compensation.

**PRAYER FOR RELIEF**

WHEREFORE, the premises considered, Singleton demands judgment in her favor and against Defendants as follows:

- A. Singleton prays that this Court will grant her actual restitutionary damages in the amount of her lost wages and liquidated damages in an amount equal to her actual restitutionary damages for violations of the Fair Labor Standards Act; and
- B. Singleton prays that the Court will grant her the cost of this action including reasonable attorneys' fees.

RESPECTFULLY SUBMITTED on this the 10<sup>th</sup> day of July, 2007.



JAY LEWIS (LEW031)  
ANDY NELMS (NEL022)  
Attorneys for Plaintiffs

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P.O. BOX 5059  
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(334) 263-7733

STATE OF ALABAMA )

MONTGOMERY COUNTY )

**VERIFICATION AND AFFIDAVIT**

BEFORE ME, the undersigned Notary Public by and for the State of Alabama at Large, personally appeared LINDA SINGLETON, who is personally known to me, and who did depose and say as follows:

"I am LINDA SINGLETON, the plaintiff herein. I have read the foregoing Complaint. Each and every one of the allegations contained therein is true and correct to the best of my knowledge and belief."

  
LINDA SINGLETON

SWORN TO and SUBSCRIBED before me on this the 11<sup>th</sup> day of July, 2007.

  
NOTARY PUBLIC

State of Alabama at Large.  
My commission expires:

9/19/07

**PLAINTIFFS DEMAND A TRIAL BY JURY**